

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.) 20-CR-6
)
ROMEL MURPHY,)
)
Defendant.)

APPEARANCES:

ATTORNEY KYNDRA LUNDQUIST, U.S. Attorney's Office,
111 Seventh Avenue S.E., Box 1, Cedar Rapids, Iowa 52401,
appeared on behalf of the United States.

ATTORNEY LEON F. SPIES, Spies & Pavelich, 312 East
College Street, Suite 216, Iowa City, Iowa 52240,
appeared on behalf of Jeffrey B. Steinback.

HEARING TO SHOW CAUSE,

HELD BEFORE THE HON. C.J. WILLIAMS,

on the 10th day of January, 2022, at 111 Seventh Avenue
S.E., Cedar Rapids, Iowa, commencing at 10:55 a.m., and
reported by Patrice A. Murray, Certified Shorthand
Reporter, using machine shorthand.

Transcript Ordered: 3/16/22
Transcript Completed: 4/7/22

Patrice A. Murray, CSR, RMR, FCRR
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1 (The following proceedings were held in open court.)

2 THE COURT: The matter now before the Court is
3 a hearing for show cause for why attorney Jeffrey
4 Steinback should not be held in contempt of court. This
5 was with regard to his representation of a defendant
6 Romel Murphy. He was retained counsel in case number
7 20-CR-6. In connection with his representation of that
8 defendant, the defense attorney filed motions to continue
9 sentencing hearing. The Court had concerns that
10 representations made by the defense attorney were not
11 accurate for purposes of continuing that hearing. We had
12 a show cause hearing, initially at the same time of the
13 sentencing of the defendant in this case back on
14 October 20th.

15 In advance of that show cause hearing, the Court
16 ordered the attorney to produce documents that would
17 corroborate the basis for his motions to continue the
18 sentencing hearing. Some documents were produced at that
19 sentencing hearing. The attorney requested more time to
20 produce more records to satisfy the Court. The Court
21 granted him 30 days. At the end of that 30-day period,
22 the defense attorney did not provide the Court with any
23 additional documents, and so the Court scheduled a
24 continuation of the show cause hearing.

25 On November 24, 2021, we scheduled a continuation of

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1 the show cause hearing for December 8th of 2021, ordering
2 the defendant -- I'm sorry, the defense attorney to again
3 produce the documents the Court had ordered him to
4 produce 30 days after the sentencing hearing. Then there
5 was a motion to continue the show cause hearing filed at
6 document number 81. The Court granted that at document
7 number 82, rescheduling the hearing for the 15th of
8 December. And then, there was a motion again for a
9 continuation of that hearing, which the Court granted,
10 continuing the hearing until today. And then at document
11 number 84, the defense attorney did provide the Court
12 with some documents relevant to this issue. So that's
13 why we're here today.

14 The government has been -- is appearing at my
15 request and is represented by Assistant United States
16 Attorney Kyndra Lundquist. Mr. Leon Spies has entered
17 his appearance on behalf of the defense attorney, Jeffrey
18 Steinback, who is also personally present before me.
19 I've also been provided with an Exhibit A, which is the
20 curriculum vitae of a Wendy Muchman, and so perhaps the
21 defense wishes to present some evidence here today.

22 So, Mr. Spies, I'm happy to hear from you and hear
23 any evidence you have here today. I'll tell you my
24 concern remains focused on the representations that your
25 client made to the Court. In particular, at document

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1 number 53, on September 24, 2021, your client filed a
2 motion to continue the sentencing hearing. At
3 paragraph 3 on page 1 of that document, it says,
4 "Mr. Steinback was taken to the emergency room and was
5 treated there. He was advised not to travel or
6 participate in any strenuous physical activity for the
7 next four to seven days and was given medication for the
8 spasms."

9 Then at the hearing on the show cause hearing, your
10 client was unable to produce any such records. He
11 indicated, when questioned by me about that, that it was
12 an urgent care facility rather than an ER. He says, "We
13 went to the ER. It was backed up to the point where
14 anybody who wasn't bleeding out of an artery was --
15 wasn't going to be seen for about five hours, so we went
16 to an urgent care center that was open. I will be able
17 to get whatever it is that is necessary."

18 I also ordered him still to provide to me the
19 original correspondence he had with his client regarding
20 the continuation of the October 6, 2021, hearing. What
21 he had originally produced to me was just somebody
22 getting on a Word document and typing out something that
23 explained that communication with him. Among the
24 documents that were provided to the Court at document
25 number 84 by your client is a letter from his doctor, who

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1 did not treat him. There are no records of him going to
2 an urgent care center. There's no records that I have
3 seen having to do with prescription of any medication or
4 any instruction from any doctor that he could not travel
5 back in September. And to the contrary, this letter from
6 his doctor indicates that -- and this is all hearsay from
7 your client to his doctor, that the doctor is now
8 repeating in a letter to me -- "He was seen recently in
9 my office and related such an event occurring recently
10 having to do with back spasms, causing him to miss an
11 activity requiring his input as a lawyer. With the pain
12 involved, there was initially consideration to go to an
13 emergency room, but ultimately, after some hesitancy
14 about what course of action to take, he ultimately
15 decided not to make the emergency room visit but tough
16 out his back pain flare-up at home with the help of
17 medication."

18 So what that tells me is that your client did not go
19 to an emergency room as he swore he did when he filed a
20 motion to continue at document number 53, nor did he even
21 go to an urgent care facility, as he told me he did when
22 we had the show cause hearing, but, frankly, did nothing
23 but stay home and toughed it out using over-the-counter
24 medications. I've yet to be provided with any
25 documentation that shows me otherwise.

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1 The other concern I have that has not been addressed
2 yet is the need for the Court to appoint an attorney to
3 represent the criminal defendant in this case, Romel
4 Murphy. Mr. Murphy was sentenced by this Court on
5 October 21, 2021. The hearing was actually on the 20th,
6 judgment entered on the 21st. At -- on November 3, 2021,
7 Mr. Romel Murphy filed a pro se motion asking for
8 appointment of counsel. It reads, "To whom it may
9 concern: My name is Romel C. Murphy. I am requesting a
10 Federal Public Defender per the Honorable C.J. Williams's
11 statement at my October 20th sentencing date. I have
12 three pertinent issues concerning my case, and my
13 previous attorney is busy with other cases and said he
14 cannot handle them, as well as me being unsatisfied with
15 services rendered, and I am unable to hire an attorney.
16 I have upcoming heart surgery and other concerns that I
17 need assistance with. Thank you in advance."

18 The Court appointed an attorney to represent
19 Mr. Murphy. The defense attorney, Raphael Scheetz, filed
20 a motion asking for more time to file a notice of appeal,
21 with the understanding that your client had refused to
22 represent Mr. Murphy, had refused to file a notice of
23 appeal on his behalf, and basically told him to go get
24 another attorney. And so, the Court granted that motion
25 for an extension of time, and the defendant, now

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1 represented by Mr. Scheetz, has filed a notice of appeal.
2 If, in fact, your client refused to file a notice of
3 appeal on behalf of a client for whom he re -- he was
4 retained, I find that is a complete dereliction of his
5 duty as an attorney in this case, and that raises
6 concerns I have as well. So I'd like to have that
7 addressed at today's hearing as well, Mr. Spies.

8 So I've been talking for a while, and I want to turn
9 it over to you now, Mr. Spies, for anything you'd like to
10 present or any documents you'd like to provide to me or
11 anything else you'd like to do.

12 MR. SPIES: Sure, thank you. May it please the
13 Court. Thanks for this opportunity to be here on behalf
14 of Mr. Steinback. I'm not confident that I have all the
15 information that was provided to you ex parte in this
16 case, but that being said, I think I have enough of a
17 grasp of what was presented to you.

18 Mr. Steinback is an officer of this court, and he's
19 here to make a candid representation of the things that
20 he said, the things that were said on his behalf. He
21 did, in fact, go to a hospital. He did, in fact, go to
22 an urgent care center. His wife took him to those two
23 facilities, and he'll describe that in more detail for
24 you.

25 And, more importantly, anything that is signed by a

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1 lawyer is, of course, a representation to the Court that
2 all that information is correct. Mr. Steinback will
3 describe to you -- and I think this was described to you
4 in an e-mail from his wife, Patti Steinback -- that she
5 drafted the motion of September 24th and filed it on his
6 behalf. And those were her words. He, by having his
7 signature appear on that pleading, attested to those
8 facts even though he'll tell you he did not read it
9 before it was filed.

10 The -- Mr. Steinback's health history I think was
11 laid out in exquisite detail in a letter that he sent to
12 you I think on December 14th, describing the history of
13 his maladies and the difficulties that he's had managing
14 both pain and mobility.

15 To demonstrate his good faith to you and to this
16 court and to counsel, I have recruited Wendy Muchman, who
17 is the lawyer teaching at Northwestern University Law
18 School, whose CV is referred to as Steinback Exhibit A.
19 Ms. Muchman was formerly chief counsel for the Illinois
20 disciplinary board, chief of litigation services there.
21 She's now retired from the attorney disciplinary board in
22 Illinois and is an instructor at the Northwestern
23 University Law School. I've used her in another case
24 representing an Iowa lawyer with ethical problems, and
25 she provided a course of mentorship that addressed the

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1 issues that arose in that case. And discussing this with
2 her last week, she's agreed to serve as a mentor for
3 Mr. Steinback, coming up with a course to address the
4 disciplinary issues that you've raised, the allegiance to
5 the court, the importance of punctuality, the importance
6 of being timely in filing of documents, and other ethical
7 issues that she sees fit.

8 And so what we are proposing by way of that, Your
9 Honor, is that you permit me to have Ms. Muchman file a
10 report, say in four months, identifying for you the
11 issues that she sees appropriate to address, how she and
12 Mr. Steinback are going to address those, and make a
13 report, both as a representative of Mr. Steinback but
14 also as herself an officer of the court, that she
15 believes that Mr. Steinback has conscientiously,
16 appropriately, and honestly addressed all the issues that
17 bring us here today. She is an extraordinarily gifted
18 lawyer and teacher, and I think you can tell by her CV
19 alone that she has the qualities and the characteristics
20 that would make her particularly well suited in this
21 venture.

22 As I said, Mr. Steinback will explain to you the
23 factual issues that gave rise to him being in here today.

24 THE COURT: And I'm happy to hear from him. If
25 I do so, I'm going to have it under oath. Here's my

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1 concern though, Mr. Spies, before he doubles down again
2 on an issue here and then swears under oath to some facts
3 that may only get him into more trouble, I still have not
4 received any documentation that would back up that he saw
5 any medical provider on September 24th. You've told me
6 now that he went to the emergency room -- or went to a
7 hospital and then went to an urgent care facility and
8 received medication or some instruction from some doctor.
9 Look, either those documents exist or they don't exist.
10 And either he can prove through documentation from a
11 medical facility he actually went to an urgent care
12 facility, or he didn't go.

13 I will not accept an explanation that he simply
14 can't get the documents. He has had months now to obtain
15 documentation. Hospitals, urgent care facilities,
16 medical providers document every interaction they have
17 with patients. I cannot believe, if he went to a medical
18 facility, like an urgent care facility, that they simply
19 have no documentation or are unwilling to provide him
20 with documentation that would corroborate that.

21 And so I am very concerned that your client has just
22 flat-out lied to the Court about having gone to any
23 medical provider on September 24th. And if he is under
24 oath and testifies to me today that that's what happened
25 and I ultimately find that he did not because there are

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1 no documents to corroborate him, and I do not -- and if I
2 find I do not believe him, then I will have no choice but
3 to conclude that he committed perjury to this Court,
4 which can be punishable by criminal contempt. And so
5 before you have your client say anything more on this, I
6 think he needs to recognize and you need to recognize
7 that, right now, I am highly skeptical. And absent
8 medical records to show me that, in fact, he went to a
9 medical provider on September 24th, I am very unlikely to
10 believe him, even if he is under oath and tells me he
11 did.

12 What possible explanation does he have for why he
13 cannot produce to me any documentation whatsoever about
14 going to a medical facility, if in fact he went there? I
15 just -- I can't understand how he can't produce those
16 documents.

17 MR. SPIES: Because he was not admitted, Your
18 Honor.

19 THE COURT: I'm sorry?

20 MR. SPIES: He was not admitted to those
21 facilities.

22 THE COURT: If he saw somebody there, they
23 would have had records whether he was admitted or not. I
24 understand he may not have been admitted to the hospital;
25 he may not have been admitted to the medical facility.

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1 Did he drive up to the door and then turn around and
2 drive away? Is that what you are telling me? Or what --

3 MR. SPIES: His wife took him there.

4 THE COURT: Pardon me?

5 MR. SPIES: His wife took him there.

6 THE COURT: Did he go in and see somebody? Is
7 that what he is saying?

8 MR. SPIES: His wife went in to get a
9 wheelchair at the hospital. She saw it was backed up
10 because of the COVID situation at the hospital. They
11 went to an urgent care center. Again, there was a line
12 of people there; they couldn't wait, and so they returned
13 home.

14 THE COURT: All right. Mr. Spies, I think you
15 recognize that that is completely contrary to what your
16 client said in a document. And I don't care who drafted
17 it. He's a lawyer. It went under his name. He's
18 responsible for it. And it's also contrary to what he
19 told me during the contempt hearing, when he told me he
20 went to an urgent care facility. If he's playing games
21 with me on semantics by saying he "went" to an urgent
22 care facility in the sense that he drove up to the door
23 and turned around and went back, I'm going to find that
24 to be contemptuous of this Court's intelligence, if
25 nothing else. So at this point, I have very strong

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1 concerns that your client has made a knowing
2 misrepresentation to this Court, both in writing, in a
3 pleading, and orally to me during a contempt hearing
4 where he promised me he was going to be able to come up
5 with documentation and provide that.

6 I have no doubt that your client has a history of
7 back problems and back spasms. That's not the question.
8 The question is, he had a client who traveled from
9 Chicago to Cedar Rapids for a sentencing hearing. And
10 your client, despite the fact his client was all the way
11 over here, chose not to come to this district, claiming
12 that he had back spasms that required medical attention,
13 and they did not require medical attention, or at least
14 he did not receive medical attention for them. He could
15 have said as much. He could have simply told me that he
16 was having back spasm problems, he was in pain, and could
17 not travel, but he made a representation that he was
18 under doctor's orders not to travel and was under
19 medication, and that's a false statement to this Court.

20 And so at this point, I think if your client was to
21 testify any further, it's only going to get him in more
22 trouble at this point. Now, if you want to have him
23 testify under oath and give me an explanation in
24 mitigation, I'm happy to hear it. I'm happy to take
25 under advisement my ultimate decision of what sanction to

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1 impose to give you an opportunity to obtain this report
2 from this Ms. Muchmore -- or Muchman, and I'll consider
3 that. But right now, what I'm being told, from your
4 proffer of the information, is -- has convinced me your
5 client has made a false statement to this Court as an
6 officer of this court.

7 So why don't you take a couple minutes and talk with
8 your client and see where you want to go from here, but I
9 wanted to give you fair warning of where I am coming
10 from.

11 MR. SPIES: I appreciate that. Thank you.

12 (Whereupon, Mr. Spies conferred with Mr. Steinback.)

13 MR. SPIES: Your Honor, having conferred with
14 Mr. Steinback, he'd like to address the Court.

15 THE COURT: All right. Very good.

16 All right. Mr. Steinback, I'm going to place you
17 under oath, if you would raise your right hand.

18 (Mr. Steinback was sworn by the Court.)

19 THE COURT: All right. Please have a seat.
20 Why don't you pull that microphone over so it's right in
21 front of you. And just state your full name,
22 Mr. Steinback.

23 MR. STEINBACK: Jeffrey B. Steinback.

24 THE COURT: All right. Mr. Spies, how do you
25 want to proceed? Do you want to proceed with a Q and A,

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1 or does Mr. Steinback just want to address the Court?

2 MR. SPIES: I think it would be fine, Your
3 Honor, if Mr. Steinback proceeded in a narrative fashion.

4 THE COURT: Very good. I'm happy to hear from
5 him now.

6 MR. STEINBACK: Your Honor, I've listened
7 carefully to the forewarnings. I also listened for the
8 first time -- and it's the first time I ever heard it --
9 that Romel Murphy was dissatisfied or that he sought me
10 to file a notice of appeal, something that we talked
11 about and waived in our plea agreement. But those things
12 aside -- and I will have to dig out the text messages
13 between us. In fact, the lawyer who was appointed to him
14 called me, and we spoke on a number of occasions. Well,
15 two anyway.

16 I can't unhear what Your Honor has said, and it is
17 clear to me that there's very little that I can say that
18 will not, regardless of what I say, vex the Court, cause
19 the Court to find that I am not telling the truth, that,
20 in fact, I'm committing perjury; but I would be doing a
21 disservice to myself, to my sense of justice, if I did
22 not speak the truth to Your Honor, nothing but the truth,
23 and I intend to do so right now.

24 The night that the spasms affected me to a point
25 where I couldn't function was not the first and it won't

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1 be the last. And I have had many trips to the ER based
2 on a long history of severe physical disabilities. Your
3 Honor has just a superficial series of documents that I'm
4 sure, if I tried to obtain, I would be able to get
5 two feet or more of documents associated with the
6 surgeries, the failures, the additional surgeries, the
7 failures there, and the outcomes.

8 But with respect to that evening, I had been on the
9 phone for the preceding three days pretty much nonstop
10 with Romel, because I reviewed the argument that I had
11 prepared and saw other gaps that I thought I might want
12 to use in the event that an argument went a certain way
13 or Your Honor were to take a particular interest in
14 another argument, so that I would be more prepared. And
15 Romel Murphy knows that. He knows that I absolutely
16 killed myself for him. And Ms. Lundquist knows how hard
17 I fought to get the Count 7 dismissed, which was a series
18 of exchanges ultimately culminating in her supervisor
19 stepping in. And after that series of conversations, a
20 dismissal of that count was finally determined, but not
21 based on the fact that we're pleading guilty. Because I
22 fought for him and didn't quit and ultimately prevailed
23 in that argument.

24 By the time I got home from the emergency room trip
25 to Rockford Memorial, which is 25 minutes at least from

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1 my house -- and I didn't want to go there in the first
2 place, but my wife, Patti, thought I might be having a
3 kidney stone and I should go and see. Rather than
4 continue to argue with her, I agreed. When it was too
5 busy, I didn't want to go anywhere except home, get into
6 a fetal position, and call it a day. Patti made a call.
7 There's a series of urgent care centers that are hooked
8 up with, I've come to learn, the Beloit medical
9 association. It's an expansive group. Beloit is a city
10 that's about 3 miles, maybe 4 miles from my home. Even
11 though I live in Illinois, it's right on the state line.
12 They have these different urgent care clinics. Some of
13 them are open later. Some of them are open -- close
14 sooner. Same thing happened there.

15 I had not given up on the prospect that if I took a
16 muscle relaxer and laid still for four or five hours, I
17 might be able to get there the next day. Romel had
18 already left to be here, and he stayed overnight, so I
19 couldn't stop him from coming even if I wanted to. And I
20 was on the phone and he knew it. And he knew it when he
21 came into this courtroom. And I suspect there might be
22 something in the record to reflect that fact, but I
23 haven't ordered that transcript.

24 That said, when we were at the urgent care center
25 in -- in Roscoe, part of that Beloit program, which was

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1 very frustrating to me, because I thought maybe someone
2 would remember me, I -- I didn't allow myself to get
3 the -- the Dilaudid shot, because once they learn that
4 you've had kidney stones and you are complaining about
5 pains through here, that's the first thing they give you.
6 And Dilaudid makes me sick. I lose all sense of space
7 and time. And if I had taken that shot, there would be
8 no chance that I could recover for the next day. None.
9 Not only that, when that dissipates from me, I become
10 irritable for hours. I don't know why. It gives me a
11 headache, makes me sick to my stomach. I didn't want it.
12 And so Patti and I had an argument there, and I said,
13 "I'm going. We're not doing this. I'm not going to let
14 them give me this shot. We're out." And I went home,
15 which is where I wanted to be in the first place.

16 I took -- I had an old scrip for Flexeril. I had
17 previously taken ibuprofen. That didn't work. The
18 Flexeril made me very sleepy, but I was still in pain.
19 Although I was tired, I was -- it was a -- a pain that I
20 cannot describe in words. Crippling doesn't quite get to
21 it. I ultimately took a half a pain pill, a -- something
22 called Vicoprofen. That knocked me out. I was out. I
23 don't know if that was midnight, 1:00 in the morning. I
24 don't remember when that was. I -- I tried to rack my
25 brain about that.

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1 And at some point, Patti reached out to Your Honor's
2 deputy clerk; Patti reached out to Kyndra; apparently
3 sent e-mails. Somewhere along the line there was a
4 motion that was put together. I do not let motions go
5 out unless I have read them, even simple ones, even
6 straightforward ones. I neither wrote, read, nor signed
7 that document. And I did not want to get into that with
8 Your Honor, because I'd rather die. I'd rather Your
9 Honor throw me into jail than have anybody think anything
10 untoward about my wife. And all she was doing was the
11 best she could. That's it. Somehow she cobbled together
12 this motion. Every time I go in a spin, countless times,
13 the doctors say the same thing, "Rest. We'll give you a
14 scrip."

15 "No, I don't need a scrip. I have a scrip from
16 before."

17 Or, if they think it's the kidney stone, the
18 Dilaudid shot.

19 I've heard it a hundred times, more than a hundred
20 times, for real. Patti wrote that in there. Not me. I
21 never made a representation to Your Honor, much less a
22 misrepresentation.

23 When I was awakened the next morning, Patti said,
24 "The case has been continued." I -- I -- I said a little
25 prayer to myself, and I fell back to sleep, and did not

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1 know that this motion was written or of any kind of an
2 issue at all until after the fact.

3 Your Honor can do whatever Your Honor feels is
4 appropriate. And if you think I'm lying, then do
5 whatever it is that you want. But I will not sit still
6 and be called a liar or be challenged about -- dared to
7 take the stand, because it's likely I will be found to
8 have perjured myself when I haven't. And that's the
9 truth.

10 And the -- there is no one who can say that I had
11 anything to do with that motion. I was -- I wish I did,
12 because I wouldn't have sent that. I wouldn't have
13 needed it. I sent you all the information I sent you,
14 Your Honor, because I wanted the Court to know this is no
15 joke, what I deal with. And if I didn't have a half a
16 dozen people who eat and have a roof over their heads
17 because I continue to work, I'd stop, because my body has
18 said to do that a long time ago. But that's how I take
19 my responsibilities, my commitments.

20 And the -- I had told my wife that I will tell the
21 Court what happened. She doesn't have to. But even in
22 the December 7, 2021, e-mail, which I only reread
23 recently, to -- it says, "Dear Sali." At the very end,
24 my wife says, "Again, I am very sorry for my part in
25 making a difficult situation worse. That was never my

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1 intention for Jeff, and absolutely not for the Court."
2 Your Honor can take the pieces of what has happened here,
3 and that's -- that's just the way it occurred. Now, we
4 haven't had a good night's sleep between us since this
5 has happened, because my wife thinks she got me in
6 trouble. Well, ultimately, at the end of the day,
7 everything that happens, regardless of circumstances, I
8 take responsibility for with respect to my practice, and
9 I've never been different. I've made mistakes in the
10 past, and I've owned them. I will not own a mistake I
11 did not make, or that I was aware of. I never made a
12 misrepresentation to Your Honor about anything. I wasn't
13 even involved in the making of that motion. There is
14 nothing in any of this that would suggest to the
15 contrary. All of these exchanges was while I was
16 unconscious, and I regret the fact that I couldn't be
17 awakened so that I could have looked at this and stopped
18 this from ever happening. That is the God's honest
19 truth.

20 I don't know if Your Honor has questions for me.

21 THE COURT: I do. Did you actually step foot
22 inside that urgent care facility?

23 MR. STEINBACK: Yes.

24 THE COURT: Did you see a medical provider
25 there?

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1 MR. STEINBACK: I saw a lady who at least takes
2 in -- I call it -- I think I called it a triage, because
3 it's like -- if you are hurting as badly as I was, they
4 motioned me up, and I sat down next to her. First thing
5 that was -- that came up from my wife is "I'm worried
6 he's having a kidney stone," and that was -- I wanted out
7 of there, because of what I said. The knee-jerk response
8 to every medical place I've ever been in is to
9 immediately give you that shot. And if you've never had
10 it, I can tell you, you lose consciousness. You're --
11 you're awake on your feet, but you don't remember
12 anything for four, maybe five hours. And then, at least
13 for me, the nausea and the irascibility, it's not worth
14 it. It's just not worth it. And I wasn't going to go
15 through it that night.

16 I hadn't given up. I wasn't -- I didn't finish
17 incorporating some of the things Romel had recently
18 provided me that I asked, but I figured I could do that
19 on the way to the courthouse. I just couldn't pull it
20 together. When something like that grabs you the way it
21 does, it is -- it -- it is forceful enough to cause you
22 to slam your head in the ground -- into the ground or
23 anything in front of you. That's how much it seizes you.
24 And there's nothing you can do about it. I'm a pretty
25 physical guy, and I can fight my way through a lot of

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1 things, but I can't fight my way through that. I
2 couldn't when I was 30 years younger either. There's
3 nothing that I could do, and I wasn't going to go for --
4 I didn't -- I didn't need medication. I had it from
5 before. And I didn't want a Dilaudid shot. And I just
6 said, "Patti, we're out of here, I'm sorry."

7 THE COURT: So did you provide that person
8 with -- with your name or any identifying information?

9 MR. STEINBACK: I didn't. Patti may have. I
10 didn't. I know that I went back and tried to get ahold
11 of people, just to see if anybody -- because we never got
12 a bill -- if anybody remembered me coming in. I called
13 the one doctor who I had seen days after that for
14 bronchitis to make sure I didn't have COVID. He said
15 he's there part-time and not there, and he couldn't help
16 me. Actually, his -- the person who takes his calls said
17 he -- he would get back to me if he could. He never did.
18 I couldn't get ahold of anybody. I tried. I was
19 thinking, maybe if someone would remember that we came in
20 that night, maybe I could get a statement from them.
21 That's the best I could do.

22 But I didn't say that I had been treated. And I
23 didn't want to go. It was not something that I wanted.
24 It's been an ongoing issue between my wife and I for
25 15 years now. And every time I'm having a spasm of that

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1 magnitude, she's sure it's a kidney stone. And only --
2 only twice out of all the spasms I've had were -- did
3 they turn out to be kidney stones, but this was not that.
4 This -- there's other symptoms of a kidney stone that
5 you -- that are -- include nausea and other things that I
6 didn't have. Just outright pain.

7 THE COURT: You were aware of this motion to
8 continue at the time that we had the contempt hearing on
9 October 20, '21, correct?

10 MR. STEINBACK: Yes.

11 THE COURT: So you were aware that it says that
12 "Mr. Steinback taken to the emergency room and was
13 treated there"? You were aware that that's what it said
14 when we had the contempt hearing on October 20th of 2021?

15 MR. STEINBACK: I -- I looked at that motion.
16 I didn't pay much attention to it. I thought Your Honor
17 was going to take me to task over COVID, and that's what
18 I was prepared to address.

19 THE COURT: I gave you fair notice that the
20 continuance of the September 24th hearing was part of
21 what we were going to discuss.

22 MR. STEINBACK: Yes, Your Honor. I didn't
23 focus on that motion.

24 THE COURT: It also says you were given
25 medication for the spasms. You were aware of that at the

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1 time we had the October 20, 2021, hearing, correct?

2 MR. STEINBACK: My wife said that, yes.

3 THE COURT: All right.

4 MR. STEINBACK: I never said that.

5 THE COURT: Well, it's bearing your signature,
6 Mr. Steinback. It bears your signature.

7 MR. STEINBACK: It bears -- it bears a name
8 with my name on it. Not my signature.

9 THE COURT: Then your wife is practicing law
10 without a license, isn't she?

11 MR. STEINBACK: Not -- she put a motion
12 together, because that's what she was suggested she
13 should do.

14 THE COURT: Well, when we got to the
15 October 20th hearing, you didn't tell me any of this at
16 that hearing, did you, Mr. Steinback?

17 MR. STEINBACK: No, sir, I did not.

18 THE COURT: When I confronted you about this,
19 what you told me was you went to an urgent care facility
20 instead of an ER. You didn't tell me that you weren't
21 treated there, did you?

22 MR. STEINBACK: I'm sorry, I didn't --

23 THE COURT: You did not tell me that you were
24 not treated at the urgent care center. You suggested,
25 did you not, that you were treated at an urgent care

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1 facility?

2 MR. STEINBACK: I said I went there, Your
3 Honor. I did not --

4 THE COURT: So you were playing games with me
5 with your semantics? Is that what you were doing,
6 Mr. Steinback?

7 MR. STEINBACK: No, Your Honor, I was not
8 playing games. I was trying to figure out how I was
9 going to deal with my wife.

10 THE COURT: And then you told me that you would
11 get whatever document was necessary -- documents that
12 were necessary, suggesting to me that you had, in fact,
13 been treated and given medications. That's certainly the
14 impression you wanted the Court to have, wasn't it,
15 Mr. Steinback; was that you had, in fact, been treated at
16 an urgent care facility and would be able to prove that
17 to me?

18 MR. STEINBACK: No, Your Honor, I never said
19 that I had been treated there, nor did I want Your Honor
20 to take that impression. What I was hoping I would be
21 able to do from the time that Your Honor let me go
22 until -- within the month or so to follow, was to find
23 someone who could at least attest to the fact that we
24 were there. That's the best I could do, because that's
25 all that happened.

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1 THE COURT: You would agree with me,
2 Mr. Steinback, that you had ample opportunity at that
3 hearing on the 20th to explain to me that you went into
4 an urgent care facility and walked out and was not
5 treated, you were not treated, and you did not get
6 medication, and you did not get a directive from any
7 doctor to limit your physical activity the next four to
8 seven days? You would agree you had an opportunity to
9 explain all that to me on October 20th, didn't you?

10 MR. STEINBACK: Yes, Your Honor, I agree, I had
11 the opportunity, but I did not tell you that I did those
12 things --

13 THE COURT: Then why not? Why did you not tell
14 me that at that time, other than that you wanted me to be
15 left with the impression that you had not lied to me on
16 the motion to continue the hearing and, in fact, you were
17 not treated or did not receive any medication and did not
18 receive any instructions from anybody not to travel?
19 What explanation do you have for me, Mr. Steinback? What
20 did you -- what were you trying to do at that hearing if
21 you did not tell me the truth, as you tell -- as you are
22 telling me it is today?

23 MR. STEINBACK: I never -- first of all, Your
24 Honor continues to say I. I never made those
25 representations. And what I was trying to do was figure

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1 out exactly what happened because I didn't have in mind
2 what the sequence was. I didn't -- I didn't have the --
3 the exchanges between Kyndra and Patti, between your
4 deputy and Patti. I didn't understand the sequence of
5 those, and I needed to look more carefully at that
6 motion. And none of those things had I prepared for. I
7 just thought this was going to be a COVID hearing. And I
8 needed to figure out how in the world I was going to sort
9 this out. And I ultimately decided the only thing to do
10 was just say this -- this is what happened, because it
11 is.

12 THE COURT: Mr. Steinback, on October 14, 2021,
13 the Court issued an order to show cause, and the second
14 page of that order, it says that among other things you
15 are to produce to the Court at the hearing are "all
16 medical records pertaining to defense counsel's back
17 spasms that required a last-minute continuance of the
18 sentencing hearing scheduled on -- or scheduled for
19 September 24, 2021." You would agree with me you were
20 given an order to produce documents pertaining to the
21 misrepresentation made to me, whoever made the
22 misrepresentation, a misrepresentation made to me that
23 you were treated in an emergency room, provided with
24 medical instructions not to travel the four to
25 seven days, and were given medication for your back

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1 spasms? Correct?

2 MR. STEINBACK: Yes, that's correct.

3 THE COURT: And instead of producing those
4 medical records or telling me that that never happened,
5 that the filing at document number 53 was a mistake, what
6 you told me, when we asked -- when I asked for an
7 explanation, is that it was an urgent care facility
8 rather than an ER. "We went to the ER. It was backed
9 up," yadda, yadda, "We went to the urgent care facility,
10 and I will be able to get whatever it is that is
11 necessary." That's what you told me, didn't you?

12 MR. STEINBACK: Yes.

13 THE COURT: Did your client ask you to file a
14 notice of appeal after sentencing on October 20th?

15 MR. STEINBACK: No. And I have exchanges with
16 him. I just didn't know that Your Honor was going to
17 raise this.

18 THE COURT: Ms. Lundquist, you may have no
19 interest in this whatsoever, but do you have any
20 questions you want to ask or anything you want to -- or
21 anything you want to ask Mr. Steinback?

22 MS. LUNDQUIST: No, Your Honor.

23 THE COURT: Mr. Steinback, anything else you'd
24 like to say?

25 MR. STEINBACK: I would like to be able to -- I

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1 would like to be able to give thought to everything that
2 Your Honor has said prefatory to my testimony so that if
3 there is an opportunity for me to -- if I see something
4 that I've not envisioned or prepared for, that I be given
5 an opportunity to review those statements, particularly
6 with respect to the statements that Your Honor has
7 brought to my attention with respect to Mr. Murphy.

8 THE COURT: All right. Mr. Spies, what about
9 the documents that the Court has now twice ordered the
10 defendant -- or Mr. Steinback, I'm sorry, to produce
11 regarding the original communications he had with his
12 client regarding the continuation of the October 6th
13 hearing? Do you have those documents?

14 MR. SPIES: No, I don't, Your Honor. I was not
15 aware that was going to be addressed today, so I don't
16 have those, but would request an opportunity to gather
17 those; and also, to properly advise Mr. Steinback about
18 any attorney-client privilege issues that might pertain
19 to that.

20 THE COURT: All right. And those documents can
21 be provided to the Court ex parte. But if you look at --
22 just to aid you, Mr. Spies, at -- document number 89 is
23 the transcript of the show cause hearing. At page 16 is
24 where I tell Mr. Steinback, "I would still like to see
25 the original correspondence you had with your client

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1 regarding the October 6, 2021, hearing," is what it shows
2 I said. At the end of that sentence, "The typed-up
3 version doesn't cut it for me. I want to see the
4 original documents, whether it's by e-mail or whatever.
5 If it's by a voicemail or a phone call, then let me know
6 that, but otherwise I want to see the correspondence that
7 Patti had with your client," and your client said he
8 would provide that. And so that's what I'm referencing
9 here. What I received were -- it looks like your
10 client's wife got on a word processor and simply typed
11 out what purported to be the communication that was had
12 with the client. I'm not sure that this has ever been
13 filed with the Court. But I will -- after this hearing,
14 I will file it as the documents that were provided to me
15 at that hearing on October -- well, I think they were
16 provided prior to the hearing by Patti through e-mails to
17 Ms. Van Weelden. I don't know that they've been filed
18 with the Court. If they have not, I will get them filed
19 so you have access to them, but they are essentially --
20 appear to be just a typed-up version of communication,
21 and I don't know on what, whether it was a cell phone,
22 whether it was e-mail, but I want to see the original
23 documentation as opposed to just some typed-up version of
24 it.

25 MR. SPIES: So to be clear, Your Honor, you're

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1 referring to communications between Mr. Steinback and
2 Mr. Murphy?

3 THE COURT: Yes. And so my concern in part
4 was, so you have some idea where I am coming from, is we
5 continued the hearing from September 24th, and then we
6 got another last-minute motion to continue the hearing on
7 October 5th, with a new explanation for why Mr. Steinback
8 needed to have it continued. It was filed at the last
9 minute. It alleged that he had contact with somebody who
10 might be positive for COVID. I've determined I can't get
11 to the bottom of that, because I can't access records
12 of -- a third-party's medical records, so I don't know if
13 that representation was true or untrue, but I can't get
14 to the bottom of that one way or the other.

15 But what happened on that occasion was that Patti
16 contacted my chambers midafternoon, claiming that your
17 client had contact with a client who might have tested
18 positive for or might be positive for COVID, and they
19 needed a continuance because he's been advised by a
20 doctor not to have any contact for five days. I had Sali
21 communicate back, saying I'm not continuing the hearing
22 unless I'm being told that Mr. Steinback has tested
23 positive for COVID. Mr. Steinback, or at least somebody
24 with Mr. Steinback's signature attached to the document,
25 filed a motion to continue after 5:00 that same day. I

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1 wasn't aware of it until the next morning, and I denied
2 it. Your client -- neither your client, nor his client,
3 Mr. Murphy, showed up for the sentencing hearing on
4 October 6th.

5 And so I was skeptical about this whole thing. I
6 wanted to know what your client was telling Mr. Murphy
7 about what was going on and why there was a need to
8 continue the hearing and whether, in fact, he had had
9 contact with somebody and whether he told Mr. Murphy that
10 he didn't have to show up the next day prior to the Court
11 ruling on the motion to continue, exactly what
12 communication he had with his client. What I got is very
13 limited communication that doesn't tell me that really
14 any information was exchanged with the client about what
15 was going on, and it's not the original documentation.
16 So to this day I don't know what your client told his
17 client about what was going on or why there was a need to
18 continue the sentencing hearing a second time, and I'd
19 like to see that original correspondence. I don't know,
20 again, whether I can ever get to the bottom line of
21 whether your client was ever exposed to somebody who had
22 or didn't have COVID or tested or didn't test positive
23 because I can't get to the underlying medical records
24 because of privacy issues, but I still want to see that
25 correspondence.

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1 (Whereupon, counsel conferred with the defendant.)

2 MR. SPIES: To be clear, then, the
3 communications concerning the October 5th sentencing
4 hearing and the notice of appeal?

5 THE COURT: October 6th. There was
6 communication occurring on October 5th. The hearing was
7 actually set for October 6th, I believe.

8 But let me double-check that, Mr. Spies. I know
9 you're trying to catch up here.

10 Yes, sentencing hearing was rescheduled for
11 October 6th at 9:00 a.m. So there's communication that
12 occurred on October 5th and October 6th, apparently,
13 with -- between Mr. Steinback's office and Mr. Murphy.

14 All right. Well, Mr. Spies, I guess where I'm at at
15 this point is I'm going to take this under advisement.
16 Your client and you both have requested additional time
17 to produce additional documents to the Court. I want to
18 grant you that opportunity. You indicated four months
19 for a report from Ms. Muchman, and that's fine. That
20 would take us out to April. So I'll have Sali contact
21 you and try to find a date in either late April or early
22 May to continue this hearing so you have an opportunity
23 to provide the Court with that documentation and any
24 other documentation that you want to provide to me
25 regarding the matters before the Court. Otherwise, my

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1 intent is to take it under advisement at this point.

2 Is there anything else you want to raise, Mr. Spies,
3 at this time?

4 MR. SPIES: No. Again, I apologize, Your
5 Honor, but to be clear, any documents, e-mails,
6 et cetera, that were furnished to you ex parte, they will
7 be filed?

8 THE COURT: Yeah. If they're not already
9 filed, I will get them filed so that you and I are on the
10 same page about what I am referencing here. And I'm not
11 sure if these have ever actually been filed. There was a
12 lot of communication that occurred by e-mail with the
13 Court, which is never a good idea, and so I'll make sure
14 that these are documented in the file.

15 MR. SPIES: I appreciate that. Thank you.

16 THE COURT: All right. Ms. Lundquist, anything
17 you want to add?

18 MS. LUNDQUIST: No, Your Honor.

19 THE COURT: All right. I'll take this under
20 advisement. That will conclude this hearing.

21 MR. SPIES: Your Honor, we'd only ask that any
22 medical records you receive from Mr. Steinback be filed
23 under seal.

24 THE COURT: Absolutely. And you don't need
25 leave of the Court. Any documents you obtain that are

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1 medical records, feel free to file those under seal.

2 MR. SPIES: Thank you.

3 THE COURT: Thank you.

4 (Proceedings concluded at 11:56 a.m.)

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C E R T I F I C A T E

I, Patrice A. Murray, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that at the time and place heretofore indicated, a hearing was held before the Honorable C.J. Williams; that I reported in shorthand and transcribed to the best of my ability the proceedings of said hearing; and that the foregoing transcript is a true record of all proceedings had on the taking of said hearing at the above time and place.

I further certify that I am not related to or employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand this 7th day of April, 2022.

/s/ Patrice A. Murray

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for a complete copy of the transcript.

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